

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

JOSEPH CUNNEEN,

Plaintiff,

- against -

JOHN NAPOLI,

Defendant.

Case. No. 07-CV-6601  
(LAK) (GWG)

**PLAINTIFF'S PROPOSED  
VOIR DIRE QUESTIONS**

Plaintiff, Joseph Cunneen, respectfully submits the following proposed voir dire questions in this jury trial:

***Proposed General Voir Dire Questions (to be asked of the potential jurors as a group):***

1. Is there anyone who suffers from any condition or situation that would make it difficult to give the parties your full attention and fair consideration if you were selected as a juror?
2. Is there anyone who has difficulty hearing, reading, writing or understanding the English language, so that it would impair your ability to understand what you hear in court or to read the documents that may be introduced into evidence?
3. Is there anyone here who is related to, or knows, or has had dealings with any of the lawyers in the case; the plaintiff; the defendant; or the following people who may testify at trial?
  - a. Joseph Cunneen, plaintiff
  - b. Jonathan Glashow, M.D.
4. Other than what you have heard in the brief description given today of the case, does anyone know or has anyone heard anything about the case?
5. Is there anyone who believes there is something about the kind of case that I described to you that would prevent you from being fair and impartial to all parties in this case?
6. Is there anyone who believes that he or she would be unable to follow the law as I explain it to you, apply that law to the facts that you find in this case, and render the verdict required by the law as I explain it to you?

***Proposed Individual Voir Dire Questions (to be asked of each juror individually):***

1. Please state your full name and age.
2. Where do you live? (specifying borough, village, or town)
3. What is your marital status?
4. Do you have children? If yes, what are their ages and sex?
5. How far along did you get in your formal education?
6. Do you have any legal training or experience, either formal or through your work experience?
7. State your present occupation and any other employment going back 10 years, including the name of each employer, nature of the work and title or positions, and the length of time with each employer.
8. State the present occupation (and prior jobs going back 10 years) for your spouse, any other adults living in your household, and any adult children not living in your household.
9. What are your major outside interests and hobbies – things that you spend significant time doing outside of work (e.g., clubs, groups, shop, watch TV)?
10. Are you a member of any organizations (work-related, social, civic, community, etc.)? If so, please tell us to which organizations you belong.
11. Have you ever served on a jury or a grand jury before? If so, please tell us the court, when you served, the type of case and the outcome of the case.
12. Have you ever been a party to a civil lawsuit, other than a divorce case? Have you, a relative or a close friend ever sued someone or been sued? Include any lawsuit that you have been involved in related to your employment or occupation.
13. Have you ever been a witness in court, at any hearing or in a deposition? If so, specify type of proceeding and outcome of the matter.
14. Do you feel that people suing for personal injuries win their cases too often? If yes, does it make any difference to your answer if the person bringing the lawsuit suffered his or her injuries as a result of the intentional conduct of another person?

15. Do you have any feelings about the maximum amount you would be willing to award someone for an injury that they suffered?
16. Do you feel that there should be a law that limits the amount of damages which a jury can award in any action for personal injuries?
17. Do you feel that a person who has suffered a similar injury in the past should not be compensated for an aggravation of that injury caused by a subsequent incident?
18. Do you feel that a person who has had a similar injury in the past should have a limit on recovery for an aggravation of that injury caused by a subsequent incident?
19. Are you aware of any facts or circumstances that might affect your ability to be objective and fair to both sides in the case?
20. Do you have any philosophical, religious or other beliefs that would prevent you from rendering a verdict in this case?

Dated: New York, New York  
April 8, 2008

EDWARD F. WESTFIELD, P.C.  
Attorney for Plaintiff  
*s/ Edward F. Westfield*

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